HE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.25603 of 2002

Dated:03.11.2006

Between

1.Yedla Krishna and others.

.....Petitioners

and

1.The Govt of Andhra Pradesh
Irrigation Department rep., by its
Secretary, Hyderabad and others.

...Respondents

HE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.25603 of 2002

ORDER:

This writ petiton is filed seeking a writ of Certiorari to quash the proceedings in Rc.No.G1/5643/2002, dated 19.11.2002 issued by the 2nd respondent, as illegal and arbitrary.

The petitioners have not challenged the notification issued under Section 4(1) of the Land Acquisition Act, 1894 (for short 'the Act'). It seems that the said notification was published in Gazettee on 19.11.2002 and published in Eenadu on 2.12.2002 and in Hindu on 3.12.2002. Thereafter, declaration under Section 6 of the Act was published in Gazette on 22.11.2002 and published in Eenadu on 14.12.2002 and in Pledge on 16.12.2002.

According to the Revenue Divisional Officer,

land acquisition proposals were finalized and the present notification was issued dispensing with the enquiry. According to the land acquisition officer, the Irrigation Department is also of the opinion that the channel should be straightened for better functioning and it is not correct to say that by straightening the canal, water supply to S.Nos.57 and 53 will be affected.

The case of the petitioners is that they have no objection for acquiring the lands. Their apprehension is that the canal being dug in the acquired lands may affect irrigation of part of their lands. In fact, it is stated in the counter that the new irrigation channel is proposed to cater to the needs of 475 acres including S.No.57 and 58. The proposed new channel is being formed with a view to irrigate the maximum possible area of the ayacut and therefore, the allegation of the petitioners is false and baseless. Further, the Government invoked urgency clause under Section 17 (4) of the Act dispensing with the enquiry under Section 5-A so as to continue the Land Acquisition Proceedings

for speedy execution of the work.

Under mere apprehension petitioners filed this writ petition. In view of the averments made in counter filed by the respondents, I am of the opinion that the apprehension of the petitioners is only imaginary and not true.

Therefore, the writ petition is devoid of merits and is liable to be dismissed.

Writ petition is accordingly dismissed. No costs.

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03-11-2006

rkk